IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
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Sergey BRIN	)	Group Art Unit: 2164
	)	
Application No.: 10/734,111	)	Examiner: Sana Al-Hashemi
	)	
Filed: December 15, 2003	)	
	)	
For: INFORMATION EXTRACTION FROM A DATABASE	)	
	)	

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant hereby requests that a panel of Examiners formally review the legal and factual basis of the rejection in the above-identified application prior to the filing of an Appeal Brief. Applicant asserts that the outstanding rejections are clearly improper and based upon errors in fact.

Claims 35-54 are pending in this application. Claims 35, 36, and 40-53 stand rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,748,953 to Mizutani et al. ("Mizutani") and dependent claims 37-39 and 54 stand rejected under 35 U.S.C. § 103(a) based on Mizutani and U.S. Patent No. 6,081,774 to de Hita et al. ("Hita"). Additionally, claims 35-54 stand rejected under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

Independent claim 35 is directed to a method that includes, for example, "receiving a set of information that defines an example of information that is being sought." One example of such a received set of information is shown in Fig. 8. As shown, five book title/author pairs, such as the book entitled "The Robots of Dawn" by Isaac Asimov, are shown. In this example, the "information being sought" are book/author pairs and the "set of information that defines an example of information" includes the set of book/author pairs shown in the Figure.. In the figure, there are actually multiple book/author pairs and therefore multiple examples in the set.

Claim 35 further recites:

locating occurrences of the received set of information in a database;
analyzing the occurrences of the received set of information; and
generating, based on the analysis, a pattern in which the set of information occurs in the database.

Referring to the example shown in Fig. 8 of the instant application, occurrences of the received set of information (e.g., "The Robots of Dawn"/Isaac Asimov) may be located, analyzed, and used to generate a pattern in which the set of information occurs in the database. (See, for example, Spec., Fig. 8 and page 20, lines 4-9 and 15-21.) In this manner, and as described in the instant application, information that defines an example of information that is being sought can be used to extract patterns from a database. (See, for example, Spec., page 3, lines 1 and 2).

Claim 35 stands rejected under 35 U.S.C. § 102(b) based on Mizutani. Applicant submits that the Examiner's rejections are clearly legally and factually deficient. Mizutani is generally unrelated to the present invention. Mizutani, for example, completely fails to disclose or suggest receiving a set of information that defines an example of information that is being sought, as recited in claim 35. Nowhere does Mizutani illustrate or discuss information that could reasonably correspond to a set of information that defines an example of information that is being sought. Therefore, Applicant submits that the Examiner's rejection of claim 35 is factually deficient.

In the Advisory Action of March 23, 2007, the Examiner states that "receiving the set of information that defines an example of information that is being sought is not given patentable weight because the recitation occurs in the preamble." (Advisory Action, Continuation Sheet.) This statement is clearly wrong, as this feature of claim 35 is in the body of claim 35, not the preamble.

In the Final Office Action of November 20, 2006, the Examiner pointed to the label "DOCUMENT 1" in Fig. 8 and column 5, lines 1-10 of Mizutani as being relevant to receiving a set of information that defines an example of information that is being sought. (Final Office Action, page 3). This section of Mizutani, however, is utterly unrelated to receiving a set of information that defines an example of information that is being sought, as recited in claim 35.

Fig. 8 of Mizutani is a diagram illustrating a method of forming a neighboring plural-character occurrence bitmap according to the first embodiment of the invention. (Mizutani,

column 8, lines 25-27). The label "DOCUMENT 1" in Mizutani appears to refer to an example portion of a document that is being registered in the neighboring plural character bitmap of Mizutani. (See, Mizutani, column 14, lines 10-14 and 41-54). Registering a document into the neighboring plural character bitmap of Mizutani, however, cannot reasonably be said to disclose or suggest receiving a set of information that defines an example of information that is being sought, as recited in claim 35. DOCUMENT 1 appears to be an example of a document from a corpus of documents that are being indexed or cataloged by Mizutani, but is not an example of information being sought.

The Examiner also points to column 5, lines 1-10 of Mizutani as being relevant to this feature of claim 35. This section of Mizutani describes objectives for Mizutani's system. This section of Mizutani in no way discloses or suggests receiving a set of information that defines an example of information that is being sought, as recited in claim 35.

For at least these reasons, the rejection of claim 35 based on 35 U.S.C. § 102(b) contains clear factual and legal deficiencies with respect to the disclosure of Mizutani and should be withdrawn. The rejection of claims 36 and 40-44, at least by virtue of their dependency from claim 35, should also be withdrawn. Claims 37-39, which also depend from claim 35, stand rejected under 35 U.S.C. § 103(a) based on Mizutani and Hita. At least because Hita does not cure the above mentioned deficiencies of Mizutani, the rejections of these claims are also improper and should be withdrawn.

Independent claim 45 and its dependent claims 46-48 also stand rejected under 35 U.S.C. § 102(b) based on Mizutani. Claim 45 recites features similar to, although not identical in scope to, those recited in claim 35. Accordingly, based on rationale similar to that given above, Applicant submits that that the rejections of these claims contain clear legal and factual deficiencies and should also be withdrawn.

Independent claim 49 and its dependent claims 50-52 also stand rejected under 35 U.S.C. § 102(b) based on Mizutani. Applicant respectfully traverses this rejection.

Claim 49 is directed to a computing device comprising a memory to store instructions and a processor. The processor is configured to execute the instructions to receive one or more sets of information, locate occurrences of the sets of information in a database, and analyze the

occurrences to determine a textual pattern in which the occurrences of the sets of information occur in the database.

Based on rationale similar to that given above, Applicant submits that Mizutani completely fails to disclose or suggest locating occurrences of sets of information in a database and analyzing the occurrences to determine a textual pattern in which the occurrences of the sets of information occur in the database, as recited in claim 49. Mizutani, for example, does not disclose or suggest analyzing occurrences of sets of information to determine a textual pattern, as recited in claim 49 (see, for example, the arguments at pages 15 and 16 of the Amendment After Final of February 20, 2007).

At least by virtue of their dependency on claim 49, Applicant submits that the rejection of claims 50-52 are also improper and should be withdrawn.

Independent claim 53 stands rejected under 35 U.S.C. § 102(b) based on Mizutani and claim 54 stands rejected based on Mizutani and Hita. Claim 53 recites certain features similar to, although not identical in scope to, those recited in claim 49. Accordingly, based on rationale similar to that given above, Applicant submits that that the rejections of these claims contain clear legal and factual deficiencies and should also be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 35-54 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for reciting the phrase "an example." The Examiner states that "'an example' renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention." (Final Office Action, page 2, citing MPEP § 2173.05(d)).

MPEP § 2173.05(d) states that "exemplary claim language," such as claim language that refers to examples and preferences, may lead to confusion over the intended scope of the claim. This section of the MPEP lists a number of examples in which the intended scope of the claim was held to be unclear due to the use of exemplary language, such as: "R is a halogen, for example, chlorine," and "material such as rock wool or asbestos." (MPEP § 2173.05(d)). MPEP § 2173.05(d) further states, however, that there is no *per se* rule for rejecting claims as indefinite based on "exemplary language." Instead, the determination of whether a claim is indefinite is fact specific and the Examiner should analyze whether the metes and bounds of the claim are clearly set forth.

The pending claims, in contrast to the examples of the exemplary claim language given in the MPEP, do not recite a generic object or feature followed by an example of that object or feature. Instead, as discussed previously, the "example of information" recited in claim 35 refers to the type of information that is received, i.e., a set of information that defines an example of information that is being sought. Applicant submits that in this context, the phase "an example" is not indefinite. The example "language" recited in claim 35 does not preface an actual example of information, but rather further defines the recited "set of information."

For at least this reason, Applicant submits that the rejection of claim 35 and its dependent claims 36-44 under 35 U.S.C. § 112, second paragraph, contains clear legal deficiencies and should be withdrawn. The phrase "an example" is used in a similar manner in independent claim 45 and accordingly, the rejection of this claim and its dependent claims 46-48 under 35 U.S.C. § 112, second paragraph, is also improper and should be withdrawn. Claims 49-54 do not contain the phrase "an example." Thus, Applicant submits that the rejection of these claims under 35 U.S.C. § 112, second paragraph, is clearly improper and should be withdrawn.

In view of the foregoing remarks, Applicants submit that clear deficiencies exist with respect to the rejections of claims 35-54. Therefore, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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